

**Before the  
Federal Communications Commission  
Washington, D.C.**

In the Matter of	)	
	)	
Auction of Toll Free Numbers in the 833 Code	)	AU Docket No. 19-101
	)	
Toll Free Assignment Modernization	)	WC Docket No. 17-192
	)	
Toll Free Service Access Codes	)	CC Docket No. 95-155

**REPLY COMMENTS OF AT&T**

AT&T Services, Inc., on behalf of its wireline affiliates, provides these reply comments on the Public Notice issued by the Federal Communications Commission (the “Commission”) pertaining to the auction of toll-free numbers in the 833 code.<sup>1</sup>

In 2018, the Commission, for the first time, adopted rules allowing for the assignment of toll-free numbers via competitive bidding to Responsible Organizations (“RespOrgs”) and subscribers and announced its intention to conduct an experimental auction to assign toll-free numbers in the 833 code.<sup>2</sup> The Commission adopted an exception to its prohibition on brokering, hoarding, and warehousing toll-free numbers to allow for numbers assigned in the 833 auction to also be offered on the secondary market<sup>3</sup> and required Somos to maintain, and RespOrgs to provide to Somos, data on these secondary market transactions. The Public Notice proposes that RespOrgs provide Somos with (1) contact information of the parties to a secondary

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<sup>1</sup> *Public Notice*, FCC 19-41, Auction of Toll Free Numbers in the 833 Code, AU Docket No. 19-101, WC Docket No. 17-192, CC Docket No. 95-155 (2019) (“Public Notice”).

<sup>2</sup> Toll Free Assignment Modernization, Toll Free Service Access Codes, WC Docket No. 17-192, CC Docket No. 95-155, *Report & Order*, 33 FCC Rcd 9274 (2018) (“Toll-Free Modernization Order”).

<sup>3</sup> *Id.* at ¶¶79, 84.

market transaction including name, address, email, and phone number, (2) sale price, and (3) sales date, and be barred from accessing the Toll-Free Database if the information is not provided within 60 days of a secondary market transaction.<sup>4</sup>

AT&T, a RespOrg, agrees with the consensus of commenters opposed to making RespOrgs solely responsible for providing Somos with secondary market transaction information and to the proposed penalty for failing to do so. The Public Notice assumes that RespOrgs will be aware of, or within 60 days will discover, all secondary market transactions. AT&T does not expect that to be the case. Instead, AT&T expects that RespOrgs may be completely unaware of many secondary market transactions, even by their own subscribers. As CenturyLink explains, “RespOrgs do not control the toll-free numbering resources of their customers and may not be informed of a transaction.”<sup>5</sup>

Even if RespOrgs are aware of a secondary market transaction, the parties to the transaction may be unwilling to provide the sale price, sales date, or other information. Consequently, RespOrgs could not guarantee the accuracy of information provided by the parties to a secondary market transaction. “RespOrgs would be largely dependent on subscribers to provide timely and accurate information; those subscribers may view the information as competitively sensitive and thus could be reluctant to provide it.”<sup>6</sup> RespOrgs “cannot and should

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<sup>4</sup> Public Notice at ¶¶57-58.

<sup>5</sup> Comments of CenturyLink, AU Docket No. 19-101, WC Docket No. 17-192, CC Docket No. 95-155, at 4 (filed June 3, 2019) (“CenturyLink Comments”).

<sup>6</sup> See also Comments of Verizon, AU Docket No. 19-101, WC Docket No. 17-192, CC Docket No. 95-155, at 4 AU Docket No. 19-101, WC Docket No. 17-192, CC Docket No. 95-155, at 4.

not be required to update information that they do not have, and they should not be presumed to have knowledge from billing records or Letters of Agency (LOAs).”<sup>7</sup>

In light of the above, the Commission should reconsider the proposed regime. “Instead of the Public Notice’s proposal, obligations should be placed on toll-free numbering users to report secondary market transactions . . . .”<sup>8</sup> A RespOrg’s obligation to report a secondary market transaction would arise only when it participates as a party in the transaction. At a minimum, the subscriber “should have some accountability in notifying the RespOrg of a change in ownership”<sup>9</sup> and “allowances [should be] made for the potential gaps in knowledge RespOrgs may have with respect to secondary market transactions.”<sup>10</sup> These changes would provide Somos with the best chance of receiving accurate and timely information about the transaction.

Commenters likewise observe that the proposed penalty—denial of access to the Toll-Free Database—“is unnecessarily severe, particularly given that Resp Orgs may not get timely information about these transactions[,]”<sup>11</sup> and “should [] be softened or eliminated . . . to avoid unduly impacting [RespOrg] operations for reporting violations concerning transactions to which the RespOrgs may not even be parties.”<sup>12</sup> AT&T agrees and supports the tiered process

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<sup>7</sup> Comments of the Alliance for Telecommunications Industry Solutions, AU Docket No. 19-101, WC Docket No. 17-192, CC Docket No. 95-155, at 3 (filed June 3, 2019) (“ATIS Comments”).

<sup>8</sup> CenturyLink Comments at 4.

<sup>9</sup> ATIS Comments at 3.

<sup>10</sup> CenturyLink Comments at 5.

<sup>11</sup> ATIS Comments at 4.

<sup>12</sup> CenturyLink Comments at 5.

proposed by ATIS. Taking these steps “would better align compliance obligations with marketplace realities while avoiding overly harsh consequences.”<sup>13</sup>

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Respectfully submitted,



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<sup>13</sup> *Id.*